

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

MARCO PALAZZI and PIERANGELA
BONELLI,

Plaintiffs,

v.

CIGNA HEALTH AND LIFE INSURANCE
COMPANY, *et al.*,

Defendants.

Case No. 2:22-cv-06278 (BRM) (AME)

ORDER

THIS MATTER is before the Court on Defendant Cigna Health and Life Insurance Company's ("Defendant") Motion to Dismiss (ECF No. 47) Plaintiffs Marco Palazzi ("Palazzi"¹) and Pierangela Bonelli's ("Bonelli") (collectively, "Plaintiffs") Second Amended Complaint ("SAC") (ECF No. 41), pursuant to Federal Rule of Civil Procedure 12(b)(6) for failure to state a claim. Plaintiffs filed an Opposition (ECF No. 55), and Defendant filed a Reply (ECF No. 56). Having reviewed the submissions filed in connection with Defendant's Motion and having declined to hold oral argument pursuant to Federal Rule of Civil Procedure 78(b), for the reasons set forth in the accompanying Opinion and for good cause having been shown,

IT IS on this 14th day of June 2024,

ORDERED that Defendant's Motion to Dismiss Plaintiffs' SAC (ECF No. 47) is **DENIED**; and it is further

ORDERED that the accompanying Opinion shall be filed **UNDER SEAL**; and it is further

¹ Plaintiffs note Palazzi's last name was misspelled as "Pallazi" in the original pleading and in the First Amended Complaint ("FAC"), so they corrected this misspelling in the Second Amended Complaint ("SAC") and in their Opposition to Defendant's Motion to Dismiss. (*See* ECF No. 55 at 1 n.1; *compare* ECF No. 10, *with* ECF No. 41.) The Court uses the corrected spelling herein.

ORDERED that counsel shall submit, via email to chambers_of_judge_brian_martinotti@njd.uscourts.gov by **June 30, 2024**, a joint proposed redacted version of the accompanying Opinion for the Court's review and publication to the docket; and it is further

ORDERED that if the parties do not, by **June 30, 2024**, submit a joint proposed redacted version of the accompanying Opinion or otherwise submit a letter to the Court stating the reason(s) the accompanying Opinion should remain under seal, then the accompanying Opinion shall be unsealed in its entirety; and it is further

ORDERED that the Clerk's Office shall amend the caption of this action to reflect the corrected spelling of "Palazzi."

/s/ *Brian R. Martinotti*
HON. BRIAN R. MARTINOTTI
UNITED STATES DISTRICT JUDGE